

**BRUNSWICK COUNTY BOARD OF COMMISSIONERS
OFFICIAL MINUTES
REGULAR MEETING
APRIL 17, 2006
6:30 P.M.**

The Brunswick County Board of Commissioners met in Regular Session on the above date at 6:30 p.m., Commissioners' Chambers, Central Services Building, County Government Center, Bolivia, North Carolina.

PRESENT: Commissioner David Sandifer, Chairman
Commissioner Phil Norris, Vice-Chairman
Commissioner May Moore
Commissioner Tom B. Rabon, Sr.
Commissioner William M. Sue

STAFF: Marty K. Lawing, County Manager
Steve Stone, Assistant County Manager
Huey Marshall, County Attorney
Jana Berg, Assistant County Attorney
Debby Gore, Clerk to the Board
Ann Hardy, Fiscal Operations Director

Tony Cummings, Chief Deputy

I. CALL TO ORDER

Chairman Sandifer called the meeting to order at 6:30 p.m.

II. INVOCATION/PLEDGE OF ALLEGIANCE

Vice-Chairman Norris gave the Invocation and led the Pledge of Allegiance.

III. ADJUSTMENTS/APPROVAL OF AGENDA

Chairman Sandifer asked if there were any adjustments to the agenda. The following adjustments were made:

1. The County Manager requested to add as Item VIII-18 approval to authorize ATMC to relocate the telephone and cable feeds to clear the footprint for the Detention Center Expansion.
2. The County Manager requested to add as Item VIII-19 approval of a Change Order with Alderman Brothers to relocate approximately 900 feet of force main sewer line associated with the Detention Center Expansion not to exceed \$40,000.

Vice-Chairman Norris moved to approve the agenda as amended. The vote of approval was unanimous.

IV. PUBLIC COMMENTS

Chairman Sandifer asked if there was anyone in the audience who wished to speak regarding any item on the agenda or any matter that was not included in the agenda. There were no comments from the audience.

V. APPROVAL OF CONSENT AGENDA

Commissioner Sue moved to approve the Consent Agenda. The vote of approval was unanimous. The following items were approved:

A. Minutes

1. March 9, 2006 Regular Meeting Minutes

B. Tax Matters

1. December 2005 Motor Vehicle Valuation and Levy
2. Tax Collection Report

C. Finance

- 1) General Fund Amendment 77-Increase \$16,000

The EMS Division budgeted revenues of \$925,000 for the year. Based on those revenues, the collection agency fee of 8% was budgeted at \$74,000. The department reports that EMS Management and Consultants have performed better than anticipated and the revised projection for revenue is \$1,125,000 with estimated collection costs of \$90,000. The department requests a budget amendment of \$16,000 to increase EMS charges and appropriate that amount for contracted collection services. There are no additional county funds involved in this amendment.

- 2) General Fund Amendment 78-Increase \$40,590

The State Library of North Carolina notified the Brunswick County Library Department of the award of an additional \$17,058 from the 2005-2006 Gates Foundation Staying Connected Grant. Four of the county's libraries (not Hickman's Crossroads) are eligible for the Gates grant. The North Carolina Department of Cultural Resources notified the Brunswick County Library of the award of an additional \$14,663 from the 2005-2006 fiscal year allotment. The department has an additional \$8,869 of State Aid from the 2004-2005 available for appropriation in the current fiscal year. The department requests that the total of \$40,590 be appropriated for the purchase of a photocopier for the Barbee Library and the purchase of computers. There are no additional county funds involved in this amendment.

- 3) General Fund Amendment 79-Increase \$2,989

The Sheriff's Department received \$2,989 in donations from organizations for the Project Lifesaver program. The department requests the funds be appropriated for transmitters and supplies to maintain the program. There are no additional county funds involved in this amendment.

- 4) Enterprise Capital Project Fund Amendment 24-Increase \$153,000

The West Brunswick Regional Wastewater project included a fund to service debt until the project was completed. The funds held were invested and earnings of \$153,000 have been achieved. The investment earnings may be used to service the debt on the project. Staff recommends appropriation of the \$153,000 of interest earnings for capitalized interest on the West Brunswick Regional Wastewater Treatment Plant and amending the project ordinance. There are no additional county funds involved in this amendment.

- 5) Investment Earnings 3rd Quarter

For the period July 1, 2005 thru March 31, 2006 investment earnings from the general fund totaled \$1,816,947 as compared to \$670,553 for the same time period in the prior year which represents an increase of 271%. A summary report is attached for information.

Davenport and Company LLC provided a portfolio composition and asset allocation as of March 31, 2006. The yield achieved for the 3rd quarter was: money market 4.6%, NCCMT 4.583% and securities 4.621%. As of March 31, 2006 the county's portfolio totaled \$92.6 million of which \$22.7 million was invested with NCCMT, \$48.3 million with BB&T Money Market, \$7.6 million in FHLB, \$5 million in FNMA and \$9 million in commercial paper. The county currently exceeds the target holdings for liquid investments. However, the county has planned several capital projects with the intention of advancing funds in anticipation of debt proceeds necessitating a higher liquidity threshold than originally targeted. The county will continue to systematically increase the investments in agencies and commercial paper. Currently, treasuries are earning below the rates achieved on the money market and the trust so no purchases of treasuries have been made.

D. Mental Health Resolution

.Staff recommends that the Board of Commissioners proclaim May 2006 as Mental Health Month in Brunswick County.

E. Rural Center Agreement

.Staff recommends the Board of Commissioners approve an amendment to the Rural Economic Development Center, Inc. Agreement in order to complete the activities associated with the contract for Supply Area Sewer-Local Collection System and Water Main Extension.

VI. PRESENTATION

1. EMS Resolution of Honor

Chairman Sandifer read the Resolution of Honor for James Ryan Lashmet, Raymond Vipperman III and William B. Babson who displayed valor and courage in rescuing three occupants from a submerged vehicle near Bolivia and presented plaques in honor of their bravery.

RESOLUTION OF HONOR

RESOLVED, that like Newton's apple, or Handel's swordfight, there are those times when the elements come together and the unknown product of that intersection can either be great calamity of horrific proportion, or Grace incarnate, leaving all the observers to wonder how it came to be before them, and

RESOLVED, that in this one Instance, while attending the needs of other victims of happenstance, a motor vehicle left the designated roadway and overturned into deceptively deep water, imperiling the lives of the passengers in the vehicle, and

RESOLVED, that fear did not rule the day, but the clear thinking of trained professionals sped the would-be rescuers to the tasks before them, thinking not of themselves or their property, but set to their work of freeing three victims from the mostly submerged vehicle, with baton in hand anticipating the worst, but finding that on this occasion, the vehicle door would open, and all three occupants were brought out safely, and

RESOLVED, that attending personnel, knowing what to do, administered first aid to the victims immediately after their rescue to avoid damage from the events and other anticipated harm, and

RESOLVED, that the efforts of **James Ryan Lashmet, Raymond Vipperman III, and William B. Babson**, should, and by right ought to be, recognized for the valor that was displayed and the courage that still lives within.

THEREFORE, the Brunswick County Commissioners, meeting in Regular Session, are hereby resolved to honor the three that displayed such courage, devotion to duty, honor and integrity, who saw a

clear and present danger, and did not hesitate to answer that call, that the said **William B. Babson, James Ryan Lashmet, and Raymond Vipperman III** shall always have a place in our honored memory, lest we forget.

This the 17th day of April, 2006.

s/David R. Sandifer, Chair
Brunswick County Commissioners
Attest:
s/Deborah S. (Debby) Gore, CMC
Clerk to the Board

VII. PUBLIC HEARING

1. Public Housing – 2006 Housing Agency Plan (Vonnie Fullwood)

CALL TO ORDER

Chairman Sandifer called the Public Hearing to order at 6:37 p.m. and announced that the purpose of the Public Hearing was to receive comments regarding the 2006 Housing Agency Plan.

Vonnie Fulwood, Public Housing Director explained that the Department of Housing and Urban Development (HUD) requires submittal of an annual plan detailing how the agency will administer the Section 8 Housing Choice Voucher program.

PUBLIC COMMENTS

Chairman Sandifer asked if there were any members of the audience that wished to address the Board. There were no comments from the audience.

ADJOURN

Commissioner Moore moved to adjourn the Public Hearing at 6:38 p.m. The vote of approval was unanimous.

2. Brunswick Transit System, Inc ROAP Funds – (Yvonne Hatcher)

CALL TO ORDER

Chairman Sandifer called the Public Hearing to order at 6:39 p.m. and announced that the purpose of the Public Hearing was to receive comments regarding the Fiscal Year 2006-2007 Rural Operating Assistance Program Funds.

Yvonne Hatcher, Brunswick Transit System Director explained that the FY 06-07 Rural Operating Assistance Program (ROAP) consists of subsidy funds to be used for the transportation of elderly and disabled residents of Brunswick County. A portion of the ROAP program is also used to contribute to the transportation costs of WorkFirst recipients. A final portion of ROAP funds are rural general public (RGP) funds, intended to provide transportation to citizens who are not human service agency clients. These are pass-through funds available to the County on an

annual basis. The total funds to be received by Brunswick County totals \$139,569: \$65,029 in EDTAP, \$11,065 in Workfirst, and \$63,475 in RGP. The Brunswick Transit System Board of Directors will suballocate the EDTAP portion of the funds to other agencies in the county to support the transportation needs of their clients.

PUBLIC COMMENTS

Chairman Sandifer asked if there were any members of the audience who wished to address the Board. There were no comments from the audience.

ADJOURN

Commissioner Sue moved to adjourn the Public Hearing at 6:41 p.m. The vote of approval was unanimous.

3. Proposed Wastewater Rate Fee Schedule – (Jerry Pierce)

CALL TO ORDER

Chairman Sandifer called the Public Hearing to order at 6:41 p.m. and announced that the purpose of the Public Hearing was to receive comments regarding the Proposed Wastewater Rate Fee Schedule.

Jerry Pierce, Public Utilities Director explained that with the approval of the Rural Sewer Program Policy, a fee needs to be established for the installation of a high head grinder pump station. The grinder pump station installed in low pressure sewer systems does not have adequate pump horsepower or wastewater storage to meet the requirements under the Rural Sewer Program Policy. The high head grinder pump stations cost more to purchase and more to install, so we have established a fee of \$8,000 per high head grinder pump station installation which includes the 1 1/2" residential sewer tap.

PUBLIC COMMENTS

Chairman Sandifer asked if there were any members of the audience who wished to address the Board. There were no comments from the audience.

ADJOURN

Commissioner Sue moved to adjourn the Public Hearing at 6:42 p.m. The vote of approval was unanimous.

VIII. ADMINISTRATIVE REPORT

1. Public Housing – FY 06 Agency Annual Plan - (Vonnice Fulwood)

Staff recommends that the Board of Commissioners approve the Fiscal Year 06 Agency Annual Plan as presented.

Vice-Chairman Norris moved to approve the Fiscal Year 2006 Agency Annual Plan. The vote of approval was unanimous.

2. BTS – ROAP Funds - (Yvonne Hatcher)

Staff recommends that the Board of Commissioners approve the Brunswick Transit System, Inc. recommendation of allocation of ROAP funds as presented.

Commissioner Sue moved to approve the Brunswick Transit System, Inc. recommendation of allocation of Rural Operating Assistance Program funds. The vote of approval was unanimous.

3. Utilities – Wastewater Rate Fee Schedule - (Jerry Pierce)

Staff recommends that the Board of Commissioners adopt an amendment to the Wastewater Rate Fee Schedule to include a fee for \$8,000 for installation of a high head grinder pump station.

Commissioner Sue moved to adopt an Amendment to the Wastewater Rate Fee Schedule to include a fee for \$8,000 for installation of a high head grinder pump station. The vote of approval was unanimous.

4. Planning – Grant Application - Town Creek Access Site 6.4 acres - (Kirstie Dixon/George Page)

Staff recommends that the Board of Commissioners approve a Resolution endorsing the submittal of the FY 2006-07 NC Coastal Management Program Grant on behalf of the Brunswick County Planning Department and Parks and Recreation for the construction of Shoreline Access to Town Creek on 6.4 acres along Hwy. 17.

Commissioner Moore moved to approve a Resolution endorsing the submittal of the FY 2006-2007 NC Coastal Management Program Grant on behalf of the Brunswick County Planning Department and Parks and Recreation for the construction of Shoreline Access to Town Creek on 6.4 acres along Highway 17. The vote of approval was unanimous.

5. Planning – Grant Application - Town Creek Nature Park 900 acres - (Kirstie Dixon/George Page)

Staff recommends that the Board of Commissioners approve a Resolution endorsing the submittal of the FY 2006-07 NC Coastal Management Program Grant on behalf of the Brunswick County Planning Department and Parks and Recreation for the construction of Shoreline Access to Town Creek on 900 acres on NC 133 (River Road).

Vice-Chairman Norris moved to approve a Resolution endorsing the submittal of the FY 2006-2007 NC Coastal Management Program grant on behalf of the Brunswick County Planning Department and Parks and Recreation for the construction of Shoreline Access to Town Creek on 900 acres of NC 133 (River Road). The vote of approval was unanimous.

6. Emergency Services – HRSA Grant – (Brian Watts)

Staff recommends that the Board of Commissioners approve the grant and associated budget amendment for the annual HRSA Grant.

Commissioner Rabon moved to approve the Grant and associated Budget Amendment for the annual HRSA Grant. The vote of approval was unanimous.

7. Public Utilities – Southwest Brunswick County Force Main Contract - Phase 1 - (Jerry Pierce)

Staff recommends that the Board of Commissioners approve a contract between Brunswick County and Hazen and Sawyer, PC, in the amount of \$328,445 for the design of Phase 1 of the Southwest Brunswick County Force Main and the pump station needed to provide service to the Town of Shallotte.

Vice-Chairman Norris moved to approve a contract between Brunswick County and Hazen and Sawyer, PC, in the amount of \$328,445 for the design of Phase I of the Southwest Brunswick County Force Main and the pump station needed to provide service to the Town of Shallotte. The vote of approval was unanimous.

8. Public Utilities – Southwest Brunswick County Force Main Contract - Phase 2 - (Jerry Pierce)

Staff recommends that the Board of Commissioners approve a contract between Brunswick County and HDR Engineering, Inc., in the amount of \$539,500 for the design of Phase 2 of the Southwest Brunswick County Force Main and the pump station to be constructed at the Sea Trail Wastewater Treatment Plant.

Vice-Chairman Norris moved to approve a contract between Brunswick County and HDR Engineering, Inc., in the amount of \$539,500 for the design of Phase 2 of the Southwest Brunswick County Force Main and the pump station to be constructed at the Sea Trail Wastewater Treatment Plant and the associated Budget Amendment. The vote of approval was unanimous.

9. Engineering – Contract – Hendrix-Barnhill - (Jeff Phillips)

Staff recommends that the Board of Commissioners approve a contract agreement with Hendrix-Barnhill for the construction of waterline extensions and sewer improvements in the Supply area at the intersection of NC 211 and US 17 and the associated project ordinance amendment.

Commissioner Sue moved to approve a contract agreement with Hendrix-Barnhill for the construction of waterline extensions and sewer improvements in the Supply area at the intersection of NC 211 and US 17 and the associated project ordinance amendment contingent upon receipt of the Advertisement, Instructions to Bidders, General Conditions, Supplemental General Conditions, Specifications, Accepted Proposal, Contract, Performance Bond, Payment Bond, Power of Attorney, Workmen's Compensation, Public Liability and property Damage, and Builder's Risk Insurance Certificates, Certificate of the County Finance Office, Approval of County Attorney and Drawings, entitled: Plans and specifications for construction of Supply area Water Line Extensions and Sewer System Improvements, Brunswick County North Carolina. The vote of approval was unanimous.

10. Engineering – Contract – Temple Grading - (Jeff Phillips)

Staff recommends that the Board of Commissioners approve a contract agreement with Temple Grading to construct a water system expansion for Old Shallotte Road, McMilly Road, HWY 130 and Waccamaw School Road and the associated project ordinance amendment.

Commissioner Rabon moved to approve a contract agreement with Temple Grading to construct a water system expansion for Old Shallotte Road, McMilly Road, Highway 130 and Waccamaw School Road and the associated project ordinance amendment contingent upon receipt of Advertisement, Instructions to Bidders, General Conditions, Supplemental General Conditions, Specifications, Accepted Proposal, Contract, Performance Bond, Payment Bond, Power of Attorney, Workmen's Compensation, Public Liability and Property Damage and Builder's Risk Insurance Certificates, Certificate of County Finance Officer, Approval of County Attorney and Drawings entitled: Plans and specifications for Water Utility Lines along SR 1316, SR 1320, NC 130 and NC 330, Brunswick County, North Carolina. The vote of approval was unanimous.

Vice-Chairman Norris asked that in the future, Staff would clarify that contracts are being approved or awarded.

11. Proposed C&D Tipping Fee - (Steve Stone)

Staff recommends that the Board of Commissioners set a Public Hearing for May 1, 2006 at 6:30 p.m. to receive public input on a proposed increase in the C&D tipping fee from the current \$34/ton to \$46/ton and to consider modifying our C&D permit application to more clearly delineate Brunswick County as the sole service area for the landfill.

Commissioner Moore moved to set a Public Hearing on May 1, 2006 at 6:30 p.m. to receive public input on a proposed increase in the C&D tipping fee from the current \$34/ton to \$46/ton and to consider modifying out C&D permit application to more clearly delineate Brunswick County as the sole service area for the landfill. The vote of approval was unanimous.

12. Ambulance Acquisition - (Steve Stone)

Staff recommends that the Board of Commissioners approve the acquisition of two ambulances from Southeastern Specialty Vehicles at a cost of \$164,576.00.

Commissioner Sue moved to approve the acquisition of two ambulances from Southeastern Specialty Vehicles at a cost of \$164,576. The vote of approval was unanimous

13. Main Fueling Site Relocation - (Steve Stone)

Staff recommends that the Board of Commissioners approve an agreement with Petroleum Equipment Solutions, Inc. to move our main fueling site to a new location on the NW corner of the complex circle at the intersection of Referendum Drive and March 9, 1764 and the associated budget amendment.

Commissioner Sue moved to approve an Agreement with Petroleum Equipment Solutions, Inc. for the new equipment option (\$260,962) to move the main fueling site to a new location on the NW corner of the complex circle at the intersection of Referendum Drive and March 9, 1764 Drive and the associated budget amendment. The vote of approval was unanimous.

14. FY 2005-2006 Financial Reports Third Quarter - (Ann Hardy)

Staff recommends that the Board of Commissioners receive the Third Quarter 2005-2006 Financial Reports as information.

Ann Hardy, Fiscal Operations Director reviewed the FY 05-06 Third Quarter Reports.

15. West Brunswick Regional Wastewater Project – Task Order No. 15/16 B- (Marty Lawing) pg. 242-248

Staff recommends that the Board of Commissioners approve Amendment No. 1 to Task Order No. 15/16 B with HDR Engineering of the Carolinas, Inc.

Vice-Chairman Norris moved to approve Amendment No. 1 to Task Order No. 15/16B with HDR Engineering of the Carolinas, Inc. with payment to come from some source other than County coffers. The vote of approval was unanimous.

16. National County Government Week - Proclamation - (Marty Lawing)

Staff recommends that the Board of Commissioners approve a Proclamation designating April 23-29, 2006 as National County Government Week.

Commissioner Moore moved to approve the Proclamation designating April 23-29, 2006 as National County Government Week. The vote of approval was unanimous.

17. FY 2005-2006 Goals & Objectives – Third Quarter Progress Report - (*Marty Lawing*)

Staff recommends that the Board of Commissioners receive the Third Quarter report as information.

Marty Lawing, County Manager reviewed and discussed the Third Quarter Progress Report for FY 2005-2006 Goals and Objectives.

**18. Relocation of Cable and Telephone Lines for Detention Center Expansion (*Steve Stone*)
(Added under Adjustments to the Agenda)**

Staff recommends authorization for Atlantic Telephone Membership Corporation to relocate the telephone and cable feeds to clear the footprint for the Detention Center Expansion.

Vice-Chairman Norris moved to authorize ATMC to relocate the telephone and cable feeds to clear the footprint for the Detention Center Expansion at a cost of \$9,808 and the associated Budget Amendment. The vote of approval was unanimous.

**19. Change Order with Alderman Brothers to Relocate Force Main Line (*Jeff Phillips*)
(Added under Adjustments to the Agenda)**

Staff recommends that the Board of Commissioners authorize Chairman or County Manager to contract for the relocation of sewer force main.

Vice-Chairman Norris moved to approve a Change Order with Alderman Brothers to relocate approximately 900 ft. of existing 4-inch force main sewer line not to exceed \$40,000 contingent upon County forces performing the actual work. The vote of approval was unanimous.

IX. COUNTY ATTORNEY'S REPORT

1. Deed of Dedication Rutledge Subdivision Phase 1

Staff recommends that the Board of Commissioners approve a Deed of Dedication and Affidavit from Holmes Development & Realty, LLC for Rutledge Subdivision, Phase 1 for water lines.

Vice-Chairman Norris moved to approve the Deed of Dedication and Affidavit for Rutledge Subdivision, Phase 1 for water lines. The vote of approval was unanimous.

2. Deed of Dedication The Farms @ Brunswick Phase II

Staff recommends that the Board of Commissioners approve a Deed of Dedication and Affidavit from D. R. Horton, Inc. for The Farm at Brunswick, Phase II for water and sewer lines.

Commissioner Moore moved to approve the Deed of Dedication and Affidavit for The Farm at Brunswick, Phase II for water and sewer lines. The vote of approval was unanimous.

3. Closed Session 7:39 p.m.

Vice-Chairman Norris moved to enter Closed Session pursuant to NCGS 143-318.10 (a) (3) to discuss confidential matters. The vote of approval was unanimous.

BREAK The Chairman called a ten-minute break.

Reconvened 8:42 p.m.

Chairman Sandifer called the Open Session back to order and announced that the action taken in Closed Session will be released when response is received from the opposite party.

X. OTHER BUSINESS/INFORMAL DISCUSSION

There was no other business to discuss.

XI. ADJOURNMENT

Commissioner Sue moved to adjourn the Regular Meeting at 8:42 p.m. The vote of approval was unanimous.

David R. Sandifer, Chairman

Deborah (Debby) Gore, Clerk to the Board